



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TOPE-MCKAY & ASSOCIATES
30765 PACIFIC COAST HIGHWAY #420
MALIBU CA 90265

MAILED

NOV 14 2012

OFFICE OF PETITIONS

In re Patent No. 6,793,224 :
Issue Date: September 21, 2004 :
Application No. 09/801,536 :
Filed: March 8, 2001 :
Attorney Docket No. 37197/RJW/A524 :

Request For Information

This is a Request for Information in response to the petition entitled "PATENTEE'S BRIEF IN SUPPORT OF PETITION TO THE DIRECTOR TO REINSTATE UNITED STATES PATENT 6,793,224 37 CFR §1.181", filed May 21, 2012, which is considered to be a request for reconsideration under 37 CFR 1.181, to accept the delayed payment of a maintenance fee for the above identified patent.

The petition sets forth that a docketing error occurred in the entry of the e-mail address for Neil Stratton and that such error was a reason for the delay in payment of the maintenance fee. The declaration of Cary Tope-McKay at ¶ 30 states that Scott Davison was the person who entered the data into the system. However, the declaration of Scott Davison does not corroborate this. Please provide firsthand evidence that establishes that Mr. Davison entered the docketing information for this patent into the system. It is preferable to have a statement from Mr. Davison that explicitly states that he was the person who entered the docket information into the system.

The declaration of Mr. Tope-McKay states that an error in the e-mail address for Neil Stratton was present in the docket system but the declaration for Mr. Davison does not state that there was an error in the e-mail address. Mr. Davison's declaration at ¶ 13 states that he sent an e-mail to Neil Stratton but does not state whether this was before or after the e-mail address was entered into the docketing system. Further, Mr. Davison does not state that this e-mail was returned as not being deliverable. Was the e-mail sent by Mr. Davison sent to the correct e-mail address?

The declarations do establish that the information used for docket entry was accurate when given to Mr. Davison or whoever made the docket entry. The declaration of Mr. Davison is silent as to who made the entry of the e-mail into the docket system. Mr. Davison's declaration does not state that he made any error in docketing the e-mail address. Please provide an adequate explanation as to the accuracy of the information that was to be entered into the docket system and that the information was incorrectly entered. Furthermore, petitioner should be specific in showing the error that was made.

No statement has been provided as to Mr. Davison's training as a docket clerk or the supervision of his work as a docket clerk. Please provide a statement specifying Mr. Davison's training as a docket clerk and the supervision given to Mr. Davison's work as a docket clerk.


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-3687.


Anthony Knight
Director
Office of Petitions

CC: LEWIS BRISBOIS BISGAARD, & SMITH LLP
 221 N. Figueroa Street, Suite 1200
 Los Angeles, California 90012